

Grant County Planning Commission

April 26th, 2004

The April 26 2004 regular meeting of the Planning Commission was called to order by John Lawrence at 7:00 p.m.

Those in attendance: John Lawrence, Bill Marksberry, Nancy Duley, Brooke Rider, Dan Scroggins, Marvin Faulkner, William Covington, Marlon Kinsey, Howard Brewer Jr., Attorney: Tom Neinaber Engineer: Ray Erpenbeck, Administrator: Jonathan Britt, Secretary: Becky Ruholl

There was a quorum present.

ITEM 1: MARCH MINUTES

Howard Brewer made a motion to approve the meeting minutes for March, Bill Marksberry seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 2: MARCH FINANCIAL REPORT

Howard Brewer made a motion to approve the March financial report, Marlon Kinsey seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 3: ADMINISTRATORS REPORT

Jonathan said that if any Commissioner wished to attend the KAPA Fall Conference to see him after the meeting to make arrangements.

ITEM 4: ZONING ORDINANCE UPDATE- CITY OF DRY RIDGE

Jonathan stated that this was an update to the City of Dry Ridge Zoning Ordinance. He said that the Plan consisted of 2 parts, the Zoning Ordinance and the Zoning Map. He said that the Commission is holding a public hearing and he has also suggested to the City that they hold their own public hearing. He said that the new City Ordinance is very similar to the new Ordinance recently adopted by the County. Jonathan said that a few of the significant changes were to the Definitions section which added a definition of Adult Entertainment and Adult oriented Businesses and also Article 10 which deals with the specific zones.

Howard Brewer asked why the City did not have a representative present to speak.

John Lawrence said that this change was at their request and they requested that Jonathan make the presentation and the City will ultimately have to approve the changes.

Jonathan said that this was different than a small text change, he said that this was a Comprehensive change and they felt that since Jonathan had done the work on the Ordinance he would be the best person to present it to the Commission.

Jonathan highlighted some of the changes to the zones in Article 10. He said that the standards for mobile homes had changed and they were now referred to as manufactured homes. He also said that they had added the PUD zone, Highway Commercial zone, and the Medical Professional zone all of which are similar to the zones adopted by the County in the new County Zoning Ordinance. He said that the parking requirements and the signage requirements were pretty much the same as the other ordinance in the County. Jonathan also said that the Amendment process section and the Enforcement section were standard in any basic Zoning Ordinance.

Bill Marksberry asked if the property owners that were going to be affected were notified.

Jonathan stated that the hearing was advertised and that the City was going to hold their own public hearing to hear any input from the public.

John Lawrence asked if anyone wished to speak for or against the request. No one spoke for or against the application.

John Lawrence declared the public hearing closed.

Tom Neinaber stated that KRS states that this is the proper process. He said that the Commission must hold at least one public hearing and the City is not required to do so.

Jonathan said that the City has the ultimate say in the changes he said that if it is forwarded to the City and they want to change something minor they can do so.

Mr. Neinaber said that the Commission could table the request.

Jonathan said that they have been working on this Ordinance for 2 years and he would like to pass it on to the City. He said that there was no reason to table it because the only significant changes were in the Definitions and the addition of 3 new zones.

Dan Scroggins asked if this was just to bring the Ordinance up to date with the other Ordinances in the County.

Jonathan stated that that was correct.

Dan Scroggins made a motion to approve the changes to the Ordinance and the Map, Marvin Faulkner seconded the motion.

Marlon Kinsey stated that he was not comfortable in acting on the changes tonight and asked if it could be tabled.

Dan Scroggins and Marvin Faulkner withdrew their motions.

Marlon Kinsey made a motion to table the request, Brooke Rider seconded the motion. A hand vote was taken, Bill Marksberry: yes, Nancy Duley: yes, Brooke Rider: yes, Dan Scroggins: yes, Marvin Faulkner: yes, William Covington: yes, Marlon Kinsey: yes, Howard Brewer Jr.: no,. Motion passes.

ITEM 5: TEXT AMENDMENT- CITY OF WILLIAMSTOWN

Article IV

John Lawrence declared the public hearing open.

Doug Beckham, representing the City of Williamstown, stated that the City Zoning Ordinance has always allowed garages to be within 5 feet of the property line and this text amendment would allow accessory storage buildings to also be within 5 feet of the side and rear yards.

John Lawrence asked if anyone wished to speak for or against the request. No one spoke for or against the application.

John Lawrence declared the public hearing closed.

William Covington made a motion to approve the request, Nancy Duley seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

Article X

John Lawrence declared the public hearing open.

Doug Beckham, representing the City of Williamstown, stated that this request would allow as a Conditional Use in the A-1 zone the selling of agricultural products grown at locations other than the premises that the nursery or greenhouse is located. He said that the City Council felt that this went along with the Governors initiative to promote agricultural businesses within the state.

John Lawrence asked if anyone wished to speak for or against the request. No one spoke for or against the application.

John Lawrence declared the public hearing closed.

Dan Scroggins stated that his concern was that the City's A-1 zone had a minimum acreage of ½ acres and this would allow an agricultural business on a ½ acre lot.

Doug Beckham said that he felt that the Council would agree to require that the minimum for the agricultural business be 5 acres which is the acreage in order to be agricultural exempt.

Jonathan stated that the minimum lot size for a Conditional Use in the A-1 zone is 1 acre.

Mr. Neinaber said that he thought that the word "than" should be "then".

Dan Scroggins asked if the Commission could deny the request and ask them to come back before the Commission with a requirement that the businesses be on more than ½ acre lots.

John Lawrence said that he felt that the City had reviewed this request and that this is what they wanted.

Howard Brewer made a motion to approve the request, Bill Marksberry seconded the motion. A hand vote was taken, Bill Marksberry: yes, Nancy Duley: yes, Brooke Rider: yes, Dan Scroggins: no, Marvin Faulkner: yes, William Covington: yes, Marlon Kinsey: yes, Howard Brewer Jr.: yes. Motion passes.

ITEM 6: ZONE CHANGE - MAPLE RIDGE DEVELOPMENT

APPLICANT: Maple Ridge Development, LLC

GENERAL LOCATION: on the south side of KY, St. Rt. #1548 approximately 1 (one) mile west of Crittenden

REQUEST: Agricultural - One (A-1) to Residential-One (R-1).

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John Lawrence declared the public hearing open and asked if all fees were paid and notices given. Staff replied that fees were paid and notices given.

Jack Gatlin, representing the applicant, stated that the property was in the City of Crittenden. He said that the Commission passes a zone change 2 or 3 months ago for the property to the west of this and Mr. Melton owns the 16 acres to south and the Baptist Church Parsonage is to the east of this property. He said that Mr. Melton plans to include the 3 acres into the Maple Ridge Subdivision. Mr. Gatlin said that the Comprehensive Plan Future Land Use Map shows this land to be low density residential which is considered less than 3 lots per acre. He said that the R1 zone has a requirement of 100 ft. wide lots and 15,000 square foot lot size which makes it meet the requirements of low density. He said that the deed restrictions that were going to be on the lots in Maple Ridge Subdivision would also be places on these lots. Mr. Gatlin said that the R1 zone is the best use for the lots instead of leaving the land zoned A1.

John Lawrence asked if anyone wished to speak for or against the request. No one spoke for or against the request.

John Lawrence declared the public hearing closed.

Jonathan said that in evaluating the application the applicant stated that the A1 zoning is inappropriate but in the 1st public hearing for Maple Ridge Subdivision the applicant stated that ½ lots could be used for a home or a mobile home.

John Lawrence asked if this would affect the entrance to Maple Ridge Subdivision.

Logan Murphy stated that it would not.

William Covington asked if this request was going to change when the City passed it like the last request.

Mr. Gatlin said that they respect the Planning Commission and their decisions; he said that this application was just talking about 3 acres going to residential one.

Dan Scroggins made a motion to approve the request because it meets the standards of the local Zoning Ordinance and based on the findings of fact that the existing zoning classification is inappropriate and the requested zoning classification is appropriate, Bill Marksberry seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 7: ZONE CHANGE - MIKE MCCORMICK

APPLICANT: Mike McCormick

GENERAL LOCATION: on the south side of Lawrenceville Road, 0.15 miles west of Mason Pike

REQUEST: Agricultural - One (A-1) to Rural - Residential (RR)

John Lawrence declared the public hearing open and asked if all fees were paid and notices given. Staff replied that fees were paid and notices given.

Mike McCormick stated that he had built a new home on the property and he wanted to sell the house and keep the rest of the property agricultural.

John Lawrence asked if anyone wished to speak for or against the request. No one spoke for or against the request.

John Lawrence declared the public hearing closed.

Jonathan asked how far the home was from the right-of-way of the road.

Mr. McCormick said that it was about 75ft. from the right-of-way.

Jonathan said that according to the plat it was only 18-19 feet and that neither a Zoning Permit nor a Building Permit could be found for the home.

Mr. McCormick said that he started the home in 1995 and was told he did not need any permits.

Jonathan said that he believed permits have been required since 1991.

Jonathan stated that he recommended that the Commission table this request until it could be determined what the exact distance was and if a Dimensional Variance Permit would be required.

William Covington asked what happens if the Commission approved the request and the home didn't meet the requirements.

Jonathan said that he would not be able to sign the conveyance plat.

Nancy Duley asked what could be done about the Building Permits.

Jonathan said that he would be required to obtain a Building Permit and a Zoning Permit.

Mr. Neinaber said that he thought at one time if the property was over 10 acres a Building Permit was not required. He said that the Commission could table the request until the next hearing to sort out the requirements.

Jonathan said that the applicant would have to get the permits and his main concern was the distance from the right-of-way.

Marvin Faulkner made a motion to table the request until the next hearing, Dan Scroggins seconded the motion.

Howard Brewer asked what office was supposed to determine if the setback are met when someone is building a new home. He said that at one time both the Building Inspector's office and the Planning Commission Office denied the responsibility.

Jonathan said that it is the Planning Commissions responsibility to enforce but the Building Inspector measures the distance when he does his inspection.

A hand vote was taken, Bill Marksberry: yes, Nancy Duley: yes, Brooke Rider: yes, Dan Scroggins: yes, Marvin Faulkner: yes, William Covington: yes, Marlon Kinsey: yes, Howard Brewer Jr.: no,. Motion passes.

ITEM 8: AVALON SUBDIVISION - PHASE II - PRELIMINARY PLAT

John Lawrence read a letter from Erpenbeck Engineers recommending approval of the plat.

Brooke Rider made a motion to approve the plat, Howard Brewer seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 9: SUMMERFIELD SUBDIVISION - PRELIMINARY PLAT

Logan Murphy said that the Zone Change had been approved on this property in October or November of 2003 and this was the Preliminary Plat.

John Lawrence read a letter from Erpenbeck Engineers recommending approval of the plat.

William Covington asked what was going to be on the recreation areas.

Mr. Murphy said that there was a 1 acre lake and they were leaving areas for a playground.

Dan Scroggins asked if they would take some area from lot 87 and add to lot 86 to make it conform.

Mr. Murphy said that they would.

William Covington asked if there were more recreation areas than the lake.

Mr. Murphy said that there were 3 areas for recreation.

William Covington asked if the recreation areas were anything other than hills that could not be developed.

Mr. Murphy said that the land lays very well around the lake.

Brooke Rider made a motion to approve the plat, Marlon Kinsey seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 10: AVALON SUBDIVISION - PHASE II - IMPROVEMENT PLAT

John Lawrence read a letter from Erpenbeck Engineers recommending approval of the plat.

Howard Brewer made a motion to approve the plat, Brooke Rider seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 11: CALDWELL ESTATES - GRADING PLAN

John Lawrence read a letter from Erpenbeck Engineers recommending approval of the grading portion of the plan only.

Brooke Rider made a motion to approve the grading plan, Nancy Duley seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 12: CLAIBORNE ESTATES - PHASE IV - IMPROVEMENT PLAT

John Lawrence read a letter from Erpenbeck Engineers recommending approval of the plat.

Bill Marksberry made a motion to approve the plat, Brooke Rider seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 13: KINGS CROSS ESTATES - PHASE I - IMPROVEMENT PLAT

John Lawrence asked Mr. Neinaber if the Commission could act on this plat since the property was in litigation concerning the zone change.

Mr. Neinaber said that as long as the plans comply with the current zoning the Commission can act. He said that should the zoning change then the applicant would have to file new plats if they changed anything.

John Lawrence read a letter from Erpenbeck Engineers recommending approval of the plat.

Brooke Rider made a motion to approve the plat, Dan Scroggins seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 14: HARBOUR POINTE - PHASE I - FINAL PLAT

John Lawrence read a letter from Erpenbeck Engineers recommending approval of the plat with the posting of a bond in the amount of \$115,885.00.

Mr. Erpenbeck said that the Subdivision Regulations require that the legislative body approve the bond.

Dan Scroggins made a motion to approve the plat with the condition that the City of Williamstown approve the bond, Howard Brewer seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 15: KINGS CROSS ESTATES - PHASE I - FINAL PLAT

John Lawrence read a letter from Erpenbeck Engineers recommending approval of the plat.

Brooke Rider made a motion to approve the plat, Howard Brewer seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 16: CONVEYANCE PLATS - MARCH

Brooke Rider made a motion to approve the Conveyances for March, William Covington seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 17: EXECUTIVE SESSION

William Covington made a motion to go into executive session to discuss personnel, Marvin Faulkner seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

Marvin Faulkner made a motion to come out of executive session to discuss personnel, Bill Marksberry seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

John Lawrence stated that no action was taken.

Marlon Kinsey made a motion to hire Brittany Griffith, co-op student, as an assistant in the Commission office, Dan Scroggins seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 18: OTHER BUSINESS

Theresa Reynolds said that her business has been affected by the Zoning Update in Dry Ridge. She said that she did not know the procedure and she understood that Jonathan had been working to get the changes for the City and that she has been waiting for a month and her business is ready to open. She said that it was her understanding that the City had already approved the changes at the meeting she had attended. She said that she has been without income for 4 months and asked if they could have a special meeting to discuss this issue.

John Lawrence said that the Commission has some new members who are not familiar with the changes and they needed more time to review the request. He said that he was sorry that her Business had been caught in the middle of the process.

Mr. Neinaber said that the issue had been table to the next regular meeting and a special meeting would only expedite the process by a week.

Mrs. Reynolds asked if she could get a temporary permit to operate her business.

Jonathan stated that the City could not give a temporary permit because the property was not zoned properly.

Dan Scroggins said that all of the Commission members were not comfortable in voting on the changes and all members needed to be comfortable when making a decision that would impact the entire City.

The Commission apologized to Mrs. Reynolds and stated that the changes that were being made were to the entire City and not just to her property and they apologized for any inconvenience that this process may have caused but they must follow the proper procedure.

ITEM 19: ADJOURNMENT

Dan Scroggins made a motion to adjourn, Marvin Faulkner seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

JOHN LAWRENCE, CHAIRMAN - DATE

NICK KINMAN, SECRETARY - DATE

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